IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 28211 of 2007(H)

PETITIONERS:

1. MUHAMMED KUTTY,
   AGED 48 YEARS,S/O. ABOOBACKER,
   PULIKKAL HOUSE, PATTAMBI POST, PATTAMBI.

2. THAREEKUTTY,
   S/O. MOIDEENKUTTY,
   KARIMBIL HOUSE,PATTAMBI POST,

3. KUNHALANKUTTY,
   S/O. MOIDEENKUTTY,
   KARIMBIL HOUSE,PATTAMBI POST,

4. BASHEER,S/O. EANU,
   KANAKKARATH HOUSE, PATTAMBI POST

5. SAKEER,
   S/O.EANU, KANAKKARATH HOUSE,PATTAMBI POST.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS:

1. PATTAMBI GRAMA PANCHAYAT,
   REP. BY ITS SECRETARY,
   PANCHAYAT OFFICE, PATTAMBI.

2. THE ENVIRONMENTAL ENGINEER,
   POLLUTION CONTROL BOARD,PALAKKAD.

3. THE PANCHAYAT COUNCIL,
   PATTAMBI GRAMA PANCHAYAT,
   PANCHAYAT OFFICE,PATTAMBI.

R1 & R3 BY ADV. SRI. SANDEEP ANKARATH, SC.
R2 BY ADV. SRI. M.K. CHANDRAMOHAN DAS, SC. PCB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 28211 OF 2007

Dated this the 24th day of September, 2007

JUDGMENT

The petitioners who are conducting meat stalls within the area of 1st respondent Panchayat being aggrieved by Exts.P5(a) to P5 (e) orders canceling their licences on the basis of judgment of the Supreme Court and instructions issued by the Pollution Control Board have preferred Ext.P7(a) to P7 (e) appeals and stay petitions before the Committee of Panchayat .

2. Their grievance is that the appeals and stay petitions ate not being disposed of by the Panchayat. They have also raised grounds challenging the cancellation orders also. They have a further grievance that their applications for renewal of the licences are not being considered. Sri.Sandheep Ankarath takes notice on behalf of the Panchayat. Sri.M.K.Chandramohan Das, Standing Counsel takes notice on behalf of 2nd respondent. In the nature of the decision which is being decided, notice on 3rd respondent is not necessary.

The 3rd respondent will take up Exts.P7(a) to P7(e), appeals and stay petitions, immediately and dispose of them after hearing the petitioners or their representative at the earliest and at any rate within two months of receiving copy of this judgment. Considering the urgency

of the matter from the petitioners' point of view the Council will take up the stay petitions in the appeals preferred by the petitioners in the very next meeting of the Council and pass orders after hearing the petitioners on those stay petitions. Considering the above directions, the status quo as obtaining today will be permitted to maintain till the meeting in which the stay petitions are taken up by the Panchayat Council.

PIUS C. KURIAKOSE, JUDGE

btt